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# HOUSE BILL No. 1280

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-14-3-7; IC 9-18; IC 9-29-13-2.5; IC 9-30.

**Synopsis:** Suspension of vehicle registration and plates. Requires the bureau of motor vehicles to maintain as part of a person's operating record a list of any suspensions or revocations of the certificate of registration or license plate of a motor vehicle owned by the person. Requires a court to order suspension of the certificate of registration and license plate of a vehicle owned by or registered to a person who is convicted of operating a vehicle while intoxicated whenever the court recommends suspension of the person's driver's license. Requires a court to order suspension of the certificate of registration and license plate of a vehicle owned by or registered to a person who is convicted of operating a vehicle while intoxicated if the person does not hold any type of valid driver's license. Provides that a person who has had a suspension of registration and license plate may receive a reinstatement license plate from the bureau of motor vehicles that contains a unique series of letters and numbers that may be identified by a law enforcement officer. Provides that a person who is aggrieved by a suspension of registration and license plate may seek judicial review. Sets a fee for the reinstatement of vehicle registration.

**Effective:** July 1, 2002.

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January 14, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-14-3-7, AS AMENDED BY P.L.112-2001,  
2       SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2002]: Sec. 7. (a) The bureau shall maintain an operating  
4       record for each person:

- 5               (1) licensed by the bureau to drive a motor vehicle; **or**  
6               (2) **for whom the bureau has established a driving record**  
7               **under IC 9-24-18-9.**

8       (b) An operating record must contain the following:

- 9               (1) A person's convictions for any of the following:

10                   (A) A moving traffic violation.

11                   (B) Operating a vehicle without financial responsibility in  
12                   violation of IC 9-25.

13               (2) Any administrative penalty imposed by the bureau.

14               (3) If the driving privileges of a person have been suspended or  
15               revoked by the bureau, an entry in the record stating that a notice  
16               of suspension or revocation was mailed by the bureau and the date  
17               of the mailing of the notice.



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(4) Any suspensions, revocations, or reinstatements of a person's driving privileges, license, or permit.

**(5) Any suspensions or revocations of the certificate of registration or license plate of a motor vehicle owned by a person.**

(c) An entry in the operating record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the official driving record.

(d) An operating record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 2. IC 9-18-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 30. **(a)** The bureau shall issue to the owner of each vehicle subject to registration one (1) license plate upon the registration of the vehicle.

**(b) If a person subject to a vehicle registration and license plate suspension order under IC 9-30-5-18(a) or IC 9-30-5-18(b) attempts to register another vehicle with the bureau, the bureau may issue a registration and license plate only if the person may be issued a registration and license plate under IC 9-30-5-18(d).**

SECTION 3. IC 9-18-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 31. A license plate issued by the bureau under section 30 of this chapter:

(1) remains the property of the bureau; and

(2) may be revoked, canceled, **suspended**, or repossessed as provided by law.

SECTION 4. IC 9-18-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. A replacement semipermanent license plate may be issued by the bureau for any of the following reasons:

(1) The original semipermanent license plate has been in service for at least three (3) years.

(2) The original semipermanent license plate has been lost or stolen.

(3) The bureau determines that the reflective material required by IC 9-18-2-32 is no longer effective and the material's ineffectiveness is a safety hazard.

(4) A person registering a replacement vehicle requests a new license plate at the time of purchasing the replacement vehicle.

(5) A person who registered a vehicle no longer resides in the

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county in which the vehicle was originally registered.

**(6) The original semipermanent license plate has been returned to the bureau under IC 9-30-4-7(a).**

SECTION 5. IC 9-29-13-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2.5. The fee for reinstatement of a vehicle registration and license plate that has been suspended under IC 9-30-5-18 and returned to the bureau under IC 9-30-4-7(a) is ten dollars (\$10).**

SECTION 6. IC 9-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section 1 or 2 of this chapter **or IC 9-30-5-18** may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 7. IC 9-30-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 18. (a) In addition to a criminal penalty imposed for an offense under this chapter, if a court recommends the suspension of a person's driving privileges under section 10 of this chapter, the court shall issue an order to the bureau requiring the bureau to suspend the certificate of registration and license plate for any motor vehicle owned by the person or registered to the person, including a motor vehicle registered jointly or leased in the name of the person and another person.**

**(b) If:**

**(1) the court has imposed a criminal penalty for an offense under this chapter; and**

**(2) the person has a driving record under IC 9-24-18-9;**  
**the court shall issue an order to the bureau requiring the bureau**

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to suspend the certificate of registration and license plate for any motor vehicle owned by the person or registered to the person, including a motor vehicle registered jointly or leased in the name of the person and another person.

(c) Whenever an order for suspension is issued under this section, the person who is the subject of the order shall comply with IC 9-30-4-7(a).

(d) A person who has had a certificate of registration or license plate suspended under this section may not receive from the bureau a certificate of registration or license plate until:

- (1) the person's driving privileges are restored; or
- (2) the conditions of subsection (e) are met.

(e) If a court issues an order under subsection (a) requiring the bureau to suspend the registration and license plate for a vehicle owned by or registered to a person, the person may receive from the bureau a reinstatement license plate and certificate of registration only if:

- (1) the person has been granted probationary driving privileges under this chapter;
- (2) a member of the person's household possesses a valid driver's license; or
- (3) a court orders the bureau to reinstate the person's certificate of registration and license plate.

(f) A person entitled to reinstatement of a certificate of registration and license plate under subsection (e) must pay the fee for reinstatement of registration set forth in IC 9-29-13-2.5.

(g) A license plate issued under subsection (e)(1) or (e)(2) must display a unique series of numbers and letters that may be identified by a law enforcement officer. A license plate issued under subsection (e)(3) must display a unique series of numbers and letters that may be identified by a law enforcement officer only if the reinstatement order issued under subsection (e)(3) includes this requirement.

(h) A person whose certificate of registration or license plate has been suspended under this section may not sell or transfer a motor vehicle owned by the person or jointly owned by the person unless:

- (1) the sale is for a valid consideration; and
- (2) the purchaser or transferee does not reside in the same household as the registered owner or owners.

(i) A person aggrieved by a suspension of registration and license plate under this section may seek judicial review under IC 9-30-4-3 through IC 9-30-4-5.

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1           (j) The bureau may adopt rules under IC 4-22-2 to implement  
2 this section.

3           (k) A person who knowingly or intentionally sells or transfers a  
4 motor vehicle in violation of subsection (h) commits a Class C  
5 misdemeanor.

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